

REMARKS

In response to the Office Action dated September 21, 2006, Applicants respectfully request reconsideration based on the above claim amendments and the following remarks. Applicants respectfully submit that the claims as presented are in condition for allowance.

Claims 1-11 are pending in the present Application. Claims 1-11 are amended and Claims 12-14 are added, leaving Claims 1-14 for consideration upon entry of the present amendments and following remarks.

Support for the claim amendments can at least be found in the specification, the figures, and the claims as originally filed. Particularly, the support for amended Claims 1-11 is at least found in the originally filed specification at Page 4, lines 8-13, Page 5, lines 1-4, Page 7, lines 2-4 and Figure 7.

No new matter has been introduced by these amendments. Reconsideration and allowance of the claims are respectfully requested in view of the above amendments and the following remarks.

Specification

The specification is objected to because the first paragraph on Page 1 refers to Korean Patent application from which a priority date of January 17, 2003 is claimed. In contrast, the filing date of the priority Korean application is January 27, 2003 in the Declaration and in the certified copy of the priority document filed on January 26, 2004.

In response, Applicants hereinabove amend the specification to correct the priority date of Korean Patent application 2003-5199 to January 27, 2006. Reconsideration and withdrawal of the relevant objections to the specification are respectfully requested.

Claim Rejections Under 35 U.S.C. §102

Claims 1-11 are rejected under 35 U.S.C. §102(a) as being anticipated by Osborne et al., International Publication WO 01/16860 (hereinafter "Osborne"). Applicants traverse the rejections.

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. V. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Amended Claims 1 and 9 recite *inter alia*:

“...a client...
receiving databases required for a genotyping analysis from a server and receiving results of a biochip test on a target sample; and
performing a genotyping analysis on the target sample using the results of the biochip test on the target sample with reference to the databases and *storing results of the genotyping analysis in the client*.” [Emphasis added.]

Osborne discloses users collecting hybridization information from a clinical sample and *transmitting this information to a central data processing facility* along with the identity of the array. At the central processing facility, the information is analyzed and the most likely pathological or physiological conditions are *returned to the user*. (Page 5, lines 23-30 and Page 14, lines 11-16 of Osborne.) Alternatively, the user facility may compare the hybridization profile with stored parameters and the data is then *sent to the central processing facility for further analysis*. (Page 14, lines 16-17 of Osborne.)

Osborne further discloses a central data processing facility including a database server that *stores hybridization profiles, clinical information associated with hybridization profiles, various statistical summaries and the like*. (Page 13, lines 25-27 of Osborne.) That is, data is stored on the *central data processing facility* and not at the user, contrary to the claimed invention. Therefore, Osborne does not disclose a client receiving databases required for a genotyping analysis from a server, receiving results of a biochip test on a target sample, performing a genotyping analysis on the target sample using the results of the biochip test on the target sample with reference to the databases and storing results of the genotyping analysis in the client of amended Claims 1 and 9.

Furthermore, Claims 9 and 10, recite *inter alia*:

“a client
receiving databases required for a genotyping analysis from a server, the received databases comprising an analysis algorithm database storing algorithms required for genotyping analysis.”

Osborne discloses storing hybridization profiles in a database and compares these profiles on the target DNA chip with ones stored in the database, contrary to the claimed invention.

In a non-limiting embodiment of the claimed invention, the server stores analysis algorithms, not the hybridization profiles in a database. It is the *algorithms* required for genotyping analysis that are received by the client. That is, the client “performs a genotyping analysis on the target sample using the results of the biochip test on the target sample with reference to the databases” including the *received algorithms*, not hybridization profiles. Therefore, Osborne does not disclose receiving databases required for a genotyping analysis from a server, the received databases comprising an analysis algorithm database storing algorithms required for genotyping analysis and performing the genotyping analysis on the target sample with reference to the analysis algorithm database of Claims 9 and 10.

Regarding Claims 6, 7 and 11, it is merely alleged in the Office action that Osborne discloses that the client can select and download data/database based on application ID, etc., and perform genotyping analysis, as described in the “diagnostic architecture” at pages 16-18 of Osborne. Applicants respectfully disagree.

Applicants find no disclosure in Osborne at pages 16-18 of a user “*downloading the databases corresponding to the identifier of the biochip* from the server if the local replication mode is selected and *it is determined that the databases do not exist in the client*” of the claimed invention.

In the User Architecture on pages 16 and 17, the user can scan/process a sample, output the data, *initiate transfer to a central system for processing* and generate reports. In the Central Data Processing Facility Architecture, there is a request to the application server and a data transfer (e.g., from the user) to the application server. At the Application Server, there is a database *query* for chip specific data, statistical processing and a data transfer for a particular user. Nowhere in Osborne are actual databases downloaded to the user. To the contrary, the user can only access the databases, but all the processing and storage of results is kept on the central system. That is, there is no “server mode” and “local replication mode” (e.g., downloading databases from the server if the databases do not exist in the user).

Therefore, Osborne also does not disclose selecting a database position mode from between a server mode and a local replication mode and downloading the databases

corresponding to the identifier of the biochip from the server if the local replication mode is selected and it is determined that the databases do not exist in the client of Claims 6, 7 and 11.

Thus, Osborne fails to disclose all of the limitations of at least amended Claims 1, 6, 7 and 9-11. Accordingly, Osborne does not anticipate amended Claims 1, 6, 7 and 9-11.

Applicants respectfully submit that Claims 1, 6, 7 and 9-11 are not further rejected or objected and are therefore allowable. Claims 2-5 and 8 variously depend from Claims 1 and 9, respectively, and are correspondingly allowable. Reconsideration, entry of the amendments, withdrawal of the §102 rejections and allowance of Claims 1-11 are respectfully requested.

New Claims 12-14

For all the reasons discussed above, Osborne does not disclose the client storing results of the genotyping analysis in the client of Claim 12, selecting a database position mode from between a server mode and a local replication mode and downloading the databases corresponding to the identifier of the biochip from the server if the local replication mode is selected and it is determined that the databases do not exist in the client of Claim 14, and the client accessing databases stored on a server, the accessed databases comprising an analysis algorithm database storing algorithms required for genotyping analysis, downloading the databases corresponding to the identifier of the biochip and performing the genotyping analysis with reference to the accessed databases of Claims 12-14.

Applicants respectfully submit that Claims 12-14 are allowable over Osborne. Consideration, entry and allowance of Claims 12-14 are respectfully requested.

Conclusion

In view of the foregoing, it is respectfully submitted that the instant application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicants' attorneys would be advantageous to the disposition of this case, the Examiner is cordially requested to telephone the undersigned.


Application No. 10/765,547
Response dated: January 18, 2007
Reply to Office action dated: September 21, 2006

Applicants hereby petition for any necessary extension of time required under 37 C.F.R. 1.136(a) or 1.136(b) which may be required for entry and consideration of the present Reply.

In the event the Commissioner of Patents and Trademarks deems additional fees to be due in connection with this application, Applicants' attorney hereby authorizes that such fee be charged to Deposit Account No. 06-1130.

Respectfully submitted,

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Date: January 18, 2007